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1 AMENDMENT TO SENATE BILL 1906

2 AMENDMENT NO. _____. Amend Senate Bill 1906 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Local Planning Technical Assistance Act is
5 amended by adding Sections 33, 34, and 42 as follows:

6 (20 ILCS 662/33 new)

7 Sec. 33. Priority funding areas.

8 (a) The Department may designate certain units of local
9 government and areas of the State as priority funding areas in
10 which State infrastructure resources should be focused. These
11 areas must have completed and adopted a comprehensive plan
12 containing elements defined in Section 25 of this Act. In
13 designating priority funding areas, preference shall be given
14 to (i) units of local government and areas where there is
15 existing public infrastructure, including, without limitation,
16 sewers, roads, street lighting and street signals, and
17 emergency response systems, (ii) units of local government that
18 have adopted zoning or other ordinances or resolutions that
19 promote compact development, including, but not limited to,
20 ordinances or resolutions that promote mixed-use development
21 or reduce street widths, lot sizes, parking requirements, and
22 set-backs, and (iii) units of local government participating in
23 an Intergovernmental Cooperation Council established under
24 Section 5-1130 of the Counties Code. Any county that has not

1 established a planning commission under the Regional Planning
2 Commission Act or under Division 5-14 of the Counties Code may
3 enter into intergovernmental agreements with such a planning
4 commission in order to assist the county in meeting the
5 criteria required for priority funding area designation under
6 this Section.

7 (b) The Department, from funds appropriated for this
8 purpose, is authorized to make grants to units of local
9 government designated as, or within areas designated as,
10 priority funding areas for the expansion or improvement of
11 public infrastructure. In making grants to priority funding
12 areas, the Department shall use the criteria established by the
13 Priority Funding Advisory Committee established under Section
14 34.

15 (c) The Department may promulgate rules necessary to
16 implement and administer this Section.

17 (20 ILCS 662/34 new)

18 Sec. 34. Priority Funding Advisory Committee.

19 (a) The Priority Funding Advisory Committee is established
20 to develop detailed criteria for use by the Department in
21 making funding decisions for priority funding areas designated
22 by the Department under Section 33 of this Act and for
23 Intergovernmental Cooperation Councils established under
24 Section 5-1130 of the Counties Code.

25 (b) The committee shall consist of 19 members as follows:

26 (i) the Director, or his or her designee, of the following: the
27 Department of Natural Resources, the Environmental Protection
28 Agency, the Department of Agriculture, and the Governor's
29 Office of Management and Budget; (ii) the Secretary of
30 Transportation, or his or her designee; (iii) the Chairman of
31 the Illinois Housing Development Authority, or his or her
32 designee; (iv) the Executive Director of the Capital
33 Development Board, or his or her designee; (v) the presiding

1 officer, or his or her designee, of the following: the Illinois
2 Association of Regional Councils, the Northeastern Illinois
3 Planning Commission, the Southwestern Illinois Metro Planning
4 Commission, the Illinois Municipal League, and the
5 Metropolitan Mayors Caucus; (vi) a representative of county
6 government from outside the boundaries of the Northeastern
7 Illinois Planning Commission and the Southwestern Illinois
8 Metro Planning Commission; (vii) one member of the General
9 Assembly appointed by each of the following: the Speaker of the
10 House, the House Minority Leader, the President of the Senate,
11 and the Senate Minority Leader; and (viii) 2 public members
12 appointed by the Governor. The Director of the Department of
13 Commerce and Economic Opportunity shall serve as the chair of
14 the committee. Eight members shall constitute a quorum. Members
15 of the committee are not entitled to compensation for their
16 services as members but are entitled to reimbursement for all
17 necessary expenses incurred in connection with the performance
18 of their duties as members.

19 (c) The committee shall conduct a minimum of 8 meetings and
20 shall report to the Governor and to the General Assembly within
21 18 months of the effective date of this amendatory Act of the
22 93rd General Assembly concerning its recommendations and a
23 timetable for implementing funding for priority funding areas
24 and Intergovernmental Cooperation Councils.

25 (20 ILCS 662/42 new)

26 Sec. 42. Local Planning Task Force.

27 (a) The Local Planning Task Force is hereby created. The
28 Task Force shall consist of the following members: (i) the
29 Director of Commerce and Economic Opportunity, or his or her
30 designee, who shall serve as the chair of the Task Force; (ii)
31 the Secretary of Transportation, or his or her designee; (iii)
32 the Director of the Illinois Housing Development Authority, or
33 his or her designee; (iv) the Director of Natural Resources, or

1 his or designee; (v) the Director of the Environmental
2 Protection Agency, or his or her designee; and (vi) the
3 Director of Agriculture, or his or her designee.

4 (b) The Task Force shall meet at the call of the chair.
5 Meetings of the Task Force are subject to the Open Meetings
6 Act, and the Task Force must afford an opportunity for public
7 comment at each of its meetings.

8 (c) The Task Force shall:

9 (1) Identify existing State planning programs within
10 the State departments and agencies represented on the Task
11 Force.

12 (2) Recommend that the State departments or agencies
13 responsible for the for the identified programs adopt rules
14 to require those programs to comply with Section 25 of this
15 Act.

16 (3) Identify additional State resources to provide
17 local planning grants.

18 (4) Report to the General Assembly by December 31, 2004
19 concerning the completion of the tasks required by this
20 Section.

21 Section 10. The Governor's Office of Management and Budget
22 Act is amended by adding Section 2.8 as follows:

23 (20 ILCS 3005/2.8 new)

24 Sec. 2.8. Authorization of funding for proposed projects or
25 activities; review of negative interagency review comments and
26 findings. If a Department or Agency of the State has conducted
27 an interagency review of a proposed project or activity and if
28 the Department or Agency has received negative comments or
29 findings as a result of that interagency review, then the
30 Office must review those comments and findings before funding
31 may be authorized for the proposed project or activity.

1 Section 15. The Regional Planning Commission Act is
2 amended by changing Section 1 as follows:

3 (50 ILCS 15/1) (from Ch. 85, par. 1021)

4 Sec. 1. Governing bodies of counties, cities, or other
5 local governmental units, ~~when authorized by the Department of~~
6 ~~Commerce and Community Affairs,~~ may cooperate with the
7 governing bodies of the counties and cities or other governing
8 bodies of any adjoining state or states in the creation of a
9 joint planning commission where such cooperation has been
10 authorized by law by the adjoining state or states. Such a
11 joint planning commission may be designated to be a regional or
12 metropolitan planning commission and shall have powers, duties
13 and functions as authorized by "An Act to provide for regional
14 planning and for the creation, organization and powers of
15 regional planning commissions", approved June 25, 1929, as
16 heretofore or hereafter amended, and, as agreed among the
17 governing bodies. Such a planning commission shall be a legal
18 entity for all purposes.

19 An Intergovernmental Cooperation Council created in
20 accordance with Section 5-1130 of the Counties Code may serve
21 as the planning commission if so designated by the county board
22 as provided in that Section.

23 (Source: P.A. 81-1509; revised 12-6-03.)

24 Section 20. The Counties Code is amended by adding Section
25 5-1130 as follows:

26 (55 ILCS 5/5-1130 new)

27 Sec. 5-1130. Intergovernmental Cooperation Council.

28 (a) The purpose of this Section is to provide a framework
29 and incentives for intergovernmental cooperation for
30 development and implementation of coordinated land use,
31 transportation, and infrastructure plans that reduce traffic

1 congestion, conserve land, provide housing conveniently
2 accessible to jobs, and make the most efficient use of public
3 infrastructure investments.

4 (b) A county board may, by resolution, establish an
5 Intergovernmental Cooperation Council ("Council") with its
6 membership consisting of the mayor of each municipality within
7 the county, up to 6 county board members, and such other
8 members as may be determined by the county and municipal
9 members, except that the number of county board members
10 appointed to the Council shall not exceed the number of mayors
11 appointed to the Council. The county board members shall be
12 appointed by the chairman of the county board. If the county
13 has an existing planning commission that was established by the
14 county board under the Regional Planning Commission Act or
15 under Division 5-14 of the Counties Code, then the county board
16 may designate that planning commission as the
17 Intergovernmental Cooperation Council for that county. If the
18 county is within the Northeastern Illinois Planning Commission
19 or the Southwestern Illinois Metro Planning Commission, then
20 the county board may designate that commission as the
21 Intergovernmental Cooperation Council for the county.

22 Within 60 days after the establishment of an
23 Intergovernmental Cooperation Council in accordance with this
24 Section, the Council must notify the Department of Commerce and
25 Economic Opportunity of the establishment of the Council and
26 the identity of the Council members.

27 Each municipal and county board representative shall be
28 entitled to a vote; the other members shall be nonvoting
29 members, unless authorized to vote by the unanimous consent of
30 the voting members.

31 A municipality that is located in more than one county may
32 choose, at the time of formation of the Council, to participate
33 in the Council program of either or both of the counties.

34 The Council shall adopt by-laws, by a majority vote of the

1 county and municipal members, to govern the functions of the
2 Council and its subcommittees.

3 Officers of the Council shall include a chair and vice
4 chair, one of whom shall be a county representative and one a
5 municipal representative.

6 Principal duties of the Council, as further described in
7 this Section, shall be (i) to develop coordinated land use,
8 transportation, and infrastructure plans and intergovernmental
9 Local Land Resource Management Plans that address the elements
10 of a comprehensive plan under Section 25 of the Local Planning
11 Technical Assistance Act and that foster intergovernmental
12 cooperation and (ii) to direct implementation and revision of
13 the plans and procedures.

14 The Council must coordinate all plans and activities with
15 any Economic Development Districts designated by the Economic
16 Development Administration Division of the U.S. Department of
17 Commerce that are within the county.

18 The Council may retain planning, mediation, negotiation,
19 engineering, legal, and financial advisors and administrative
20 personnel, subject to the budgetary, purchasing, and personnel
21 policies of the county.

22 The Council shall meet at least quarterly and shall hold at
23 least one public hearing during the preparation of each plan.

24 (c) The county board may, by resolution, assign the
25 Intergovernmental Cooperation Council to serve as the county
26 planning commission as provided in Division 5-14 and in the
27 Regional Planning Commission Act. In counties exercising this
28 option, the Council shall assume all the duties and
29 responsibilities of the county planning commission and the
30 Local Land Resource Management Plan shall meet the requirements
31 of and serve as the county plan as provided in Section 5-14001.

32 (d) The Intergovernmental Cooperation Council shall have
33 the responsibility to prepare, for recommendation to the county
34 board, a Local Land Resource Management Plan for all or

1 substantial portions of the county. The Local Land Resource
2 Management Plan shall, to the greatest extent practical,
3 include coordinated land use, transportation, and
4 infrastructure plans and encourage development and
5 redevelopment patterns that reduce traffic congestion, support
6 transit, conserve land, protect natural resources, provide
7 housing conveniently accessible to jobs, and make the most
8 efficient use of public infrastructure investments. The Local
9 Land Resource Management Plan should incorporate (i) municipal
10 and intergovernmental plans and other countywide plans and (ii)
11 the elements of a comprehensive plan under Section 25 of the
12 Local Planning Technical Assistance Act, to the greatest extent
13 practical.

14 (e) The Intergovernmental Cooperation Council may prepare,
15 for recommendation to the county board, a procedure for
16 intergovernmental cooperation that provides for:

17 (1) an efficient and timely process for
18 intergovernmental review of public and private land use,
19 development, and transportation proposals with greater
20 than local impacts; and

21 (2) a voluntary procedure for early resolution of
22 intergovernmental disputes regarding public and private
23 land use, development, transportation, and annexation
24 actions, prior to administrative or judicial hearings.

25 Public and private land use, development, and
26 transportation proposals with greater than local impact shall
27 require notification to interested governments, which shall
28 include, at a minimum: (i) any local government with
29 jurisdiction over the property in question; (ii) the county;
30 (iii) adjacent municipalities; (iv) the Metropolitan Planning
31 Organization or any other regional transportation agency; and
32 (v) any regional planning agency established by State law
33 having jurisdiction for the county. It shall be the
34 responsibility of the Intergovernmental Cooperation Council to

1 establish definitions and procedures for implementation of
2 this subsection. The notification requirement shall extend to
3 any local development project that (i) receives State funding
4 or requires State regulatory approval and (ii) meets certain
5 threshold conditions as to size and probable impact as defined
6 by the Intergovernmental Cooperation Council. Within 45 days
7 after notification, notified entities must prepare and submit
8 comments. The sponsoring government may hold a meeting with
9 interested parties to discuss and seek resolution of issues
10 raised in the comments. Completion of notification and
11 responsiveness to comments shall enhance the priority position
12 for State funding in support of the proposed project.

13 (f) An Intergovernmental Cooperation Council may develop a
14 procedure providing for the early voluntary resolution of
15 intergovernmental disputes. These procedures shall allow local
16 governmental entities to request the Council to review disputes
17 regarding public and private land use, development,
18 transportation, and annexation actions, prior to seeking
19 administrative or judicial hearings. The Council shall review
20 actions only if each party to the dispute requests it. In
21 conducting the review, the Council shall provide each party the
22 opportunity to present its case. In making its finding the
23 Council shall determine whether the proposed action on the part
24 of the first party does in fact have a negative impact on the
25 second party, and if so, identify an appropriate mitigation or
26 alternative course of action. In making its decision, the
27 Council shall consider the adopted Local Land Resource
28 Management Plan and any other plans prepared by the Council.
29 The Council shall forward its written findings to the governing
30 body of each party. The findings of the Council shall be
31 non-binding and shall in no case affect the ability of each
32 party to pursue other administrative or judicial hearings,
33 unless otherwise agreed in writing by each party.

34 (g) In the preparation of its plans, the Intergovernmental

1 Cooperation Council shall coordinate the planning process with
2 any regional or multi-county planning agency having
3 jurisdiction for the county and shall coordinate with each
4 adjoining county to ensure that recommended plans and projects
5 have minimum adverse impacts. An adopted Local Land Resource
6 Management Plan and any other plan prepared by the Council
7 shall identify steps taken to coordinate the development of
8 plan recommendations with adjoining counties and any regional
9 or multi-county planning agency having jurisdiction for the
10 county.

11 (h) A unit of local government shall receive priority
12 consideration for State grants and other State programs if the
13 affected unit of local government is located in a county that
14 has: (i) established an Intergovernmental Cooperation Council;
15 (ii) adopted a Local Land Resource Management Plan that has
16 been deemed to be "joint and compatible" by resolution of the
17 affected unit of local government; and (iii) established
18 procedures for intergovernmental review.

19 (i) The powers granted under this Section are in addition
20 to any other powers granted under any other law.

21 Section 99. Effective date. This Act takes effect January
22 1, 2006, except that Section 5 and this Section take effect
23 upon becoming law."